

DEPARTMENT OF VETERANS AFFAIRS
Justification and Approval (J&A)
For
Other Than Full and Open Competition (>\$150K)

1. Contracting Activity: Department of Veterans Affairs, VISN 15

Ambulance services for beneficiaries of the Veterans Administration, Department of Veterans Affairs, St. Louis Health Care System.
2237: 657-17-1-1106-0002

2. Nature and/or Description of the Action Being Processed:

Furnish ambulance services for beneficiaries of the Veterans Administration in accordance with all terms, conditions, provisions and the schedule of this solicitation for the Department of Veterans Affairs, VA St. Louis Health Care System, 915 North Grand Blvd. Saint Louis, MO 63106. There is currently a contract (VA255-P-1865) in place for these services which will expire (last option) on September 30, 2016. The 2237 Number is 657-17-1-1106-0002. This will be a Fixed Indefinite Delivery Requirements, contract for one year (Bridge), estimated value of \$1,429,803.65.

Name of Proposed Contractor: ABBOTT AMBULANCE, INC.
Street Address: 2500 ABBOTT PL
City, State, Zip: SAINT LOUIS, MO, 63143-2636

3. Description of Supplies/Services Required to Meet the Agency's Needs:

This is a justification for soliciting one source, ABBOTT AMBULANCE, INC., for the services required. The action required is to provide ambulance services for beneficiaries of the Veterans Administration in accordance with all terms, conditions, provisions and the schedule of this solicitation for the Department of Veterans Affairs, VA St. Louis Health Care System, 915 North Grand Blvd. Saint Louis, MO 63106, from the period of October 1, 2016 to September 30, 2017:

Contract Period: October 1, 2016 to September 30, 2017.

4. Statutory Authority Permitting Other than Full and Open Competition:

- () (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
- (X) (2) Unusual and Compelling Urgency per FAR 6.302-2;
- () (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
- () (4) International Agreement per FAR 6.302-4
- () (5) Authorized or Required by Statute FAR 6.302-5;
- () (6) National Security per FAR 6.302-6;
- () (7) Public Interest per FAR 6.302-7

5. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):

Unusual and Compelling Urgency per FAR 6.302-2; due to the critical nature of the service requested.

NCO 15 originally solicited as a small business set aside for the required Ambulance services. There was only one response received and the prices submitted were almost triple the government estimate and could not be determined to be Fair and reasonable. The Current Ambulance services contract will expire (VA255-P-1865), on September 30, 2016; this service is critical and must continue uninterrupted.

Ambulance services are a vital requirement to ensure Veterans are able to get to and from the hospital for both urgent and immediate care; without this service, there would be potential for veterans to miss appointments and/or get the immediate care they need which could have a negative impact on their health and potentially their lives. Additionally, not only would a delay in award of a contract greatly affect Veterans care it would also result in serious financial injury to the Government if the services had to be FEE based out.

ABBOTT AMBULANCE, INC. is currently the contractor performing these Ambulance Transportation Services and a one (1) bridge contract was determined to be the best option as we prepare a new solicitation for a long term contract utilizing full and open competition. Abbott has been successfully fulfilling the contract requirements at prices that have been determined to be fair and reasonable. A one year bridge contract has an estimated value of \$1,429,803.65 and is in line with the current option year pricing. Based on the above information, it is determined to be in the best interest of the veteran and the government to award a one year contract to Abbott.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:

Unusual and Compelling Urgency: 10 USC 2304(c) (2). Delay in award of a contract would negatively affect Veterans Care and could result in financial injury to the Government.

a. This acquisition was conducted using the procedures in FAR part 12 Acquisition of Commercial Items and FAR 15 Contracting by Negotiation. A solicitation was conducted for providing Ambulance Transportation Services for eligible veterans of the St. Louis VA Healthcare System service area.

b. The contract was solicited as a Base Year Plus four (4) option years contract, for the continuation of Ambulance Transportation Services.

c. The requirement was solicited utilizing full and open competition as 100% set-aside for Small Business (SB) participation, based on responses to a sources sought posting.

d. Request for Proposal (RFP) VA255-16-R-0223 was released on June 24, 2016 with closing on August 2, 2016 at 2:00 pm CST. Only one (1) response was received from a small business and was evaluated:

i. BADGER EMS, INC
N873 CLUB CIRCLE DR
PRAIRIE DU SAC, WI, 53578-9560
DUNS 079121061 (Small Business)

e. The evaluation of the received proposal from Badger EMS, Inc. resulted in the CO making a determination that the received proposal could not be found fair and reasonable based on the original IGCE of \$10,040,000.00. The proposed pricing for a Base Plus four (4) option years was \$35,234,002.44. This pared with inadequate competition with only one (1) response deemed the action below (in Section f) necessary.

f. Based the response to the posted RFP (VA255-16-R-0223) and the evaluation of the proposal received from Badger EMS, Inc. The RFP was amended and reopened for competition as and an unrestricted request for proposal. The amendment VA255-16-R-0223, A00001 reopening the proposal for competition was published on August 2, 2016 with responds due before August 31, 2016, 2:00 pm CST.

g. Request for Proposal (RFP) VA255-16-R-0223 was amended and released on August 2, 2016 with closing on August 31, 2016 at 2:00 pm, CST. Two (2) responses were received from and were evaluated:

i. BADGER EMS, INC
N873 CLUB CIRCLE DR
PRAIRIE DU SAC, WI, 53578-9560
DUNS 079121061 (Small Business)

ii. ABBOTT AMBULANCE, INC.
2500 ABBOTT PL
SAINT LOUIS, MO, 63143-2636
DUNS 601604390 (Large)

h. Based on the above findings, and considering the trade-offs established in the solicitation, it was determined that the proposal provided by ABBOTT AMBULANCE, INC. is superior to all other proposals and it is recommended that award go to ABBOTT AMBULANCE, INC. as the Best Value to the Government. However, based on the recommendation of SAO Central Region's review and the above findings, it is determined that the proposed award to ABBOTT AMBULANCE, INC. for Ambulance Transportation Services be for a one (1) bridge contract year period. The SAO Central Region could not provide clearance to move forward with an award for a Base Plus four (4), due to potential risk based on the process in which the original solicitation which was a 100% small business set-aside was amended to an unrestricted full and open solicitation. However due to the expiring current contract (VA255-P-1865) expiring on September 30, 2016, the total estimated cost of a Base Plus four (4) and the critical nature of the service requested, it is determined that the best course of action will be to award the one (1) year contract to Abbott Ambulance and begin the process of a replacement contract for a Base Plus four (4) immediately.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:

- The estimated amount of this acquisition is \$1,429,803.65. In accordance with FAR Subpart 15.404-1(b) the following price analysis techniques and procedures will be utilized to ensure a fair and reasonable price.
- Comparison of previously proposed prices and previous Government and commercial contract prices for the same or similar service. The cost for previous Government purchases for the same service, based on the contract (VA255-P-1865) option year IV was \$1,385,222.77. A one year contract for the services requested awarded to ABBOTT AMBULANCE, INC. has an estimated value of \$1,429,803.65. The total cost of the one year contract is in line with the current option year pricing.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:

- Market research was conducted, and In response to the solicitation (VA255-16-R-0223) the contracting officer (CO) received no offers from SDVOSB's or VOSB's and only one offer from a SB (Badger EMS). The CO also received no bids from three (3) other SB's, due to the complexity of the service requested. The offer from Badger EMS could not be found fair and reasonable based on the current contract pricing and the IGCE conducted at the facility. The Badger EMS offer does not represent the best value to the government. The current contract with ABBOTT AMBULANCE, INC. was for an annual amount of \$1,385,222.77, (option year four (4)) and was a total of \$6,399,577.01 for base plus all options. The Badger EMS offer is for an annual amount of \$6,919,078.10, Base plus four (4) is for a total of \$35,234,002.44.
- Based on previous procurement history throughout the VISN and the response received to the posted solicitation, there is NOT a reasonable expectation that offers will be received from two or more eligible SDVOSB concerns or VOSB concerns. Furthermore the CO only received one (1) small business offer to the posted solicitation, which could not be found fair and reasonable.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition:

- The services being request is being performed by ABBOTT AMBULANCE, INC., STL (VA255-P-1865). The services requested was award to the ABBOTT AMBULANCE, INC. as a base plus four (4) and the current contract (which includes all options) for the services requested will expire on September 30, 2016.
- The service under the terminated contract is vital to the VA Medical Center and if interrupted would jeopardize Veteran care. ABBOTT AMBULANCE, INC. is currently performing the services and can continue without any break in service to the eligible beneficiaries of the Department of Veterans Affairs, St. Louis Health Care System.

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition: N/A

11. A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required: The requested ambulance service will be solicited during the requested Bridge contract in accordance with FAR 15 Contracting by Negotiation and responses to the sources sought, market research and the recently published solicitation for VA255-16-R-0223.

12. Requirements Certification: I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

09/22/2016

Name: Frank Novello
Title: Contract Specialist
Facility: NCO 15

Date

13. Approvals in accordance with the [VHAPM, Volume 6, Chapter VI: OFOC SOP](#).

a. **Contracting Officer or Designee's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

Name: Peggy Becker
Title: Division Chief I, NCO 15 Contracting
Facility: NCO 15 Contracting

Date

b. **Director of Contracting /Designee (Required over\$150K but not exceeding \$700K):** I certify the justification meets requirements for other than full and open competition.

Name: Scott Fiscus
Title: Director NCO 15 Contracting
Facility: NCO 15 Contracting

Date

c. **VHA HCA Review and Approval:** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval (if over \$12.5 million) or approve (\$650K to 12.5 million) for other than full and open competition.

9/22/2016

Name: LINDA S. GREAVES
Title: Acting, SAO Director, Central Region (10NA2)
Facility: SAO Central Head of Contracting Activity (HCA)

Date